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DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
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OFFICE OF PETITIONS

In re Patent of :
Cannon et al. :
Application No. 09/811,614 : DECISION
Filed: March 20, 2001 : ON PETITION
Attorney Docket Number: :
CANNON 121-109-65 :
:

This is a decision on the Petition to Revive Unintentionally Abandoned Application or Lapsed Patent (37 CFR 1.137(b)), filed February 23, 2006.

The petition is **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed May 18, 2005. The Office action set a three (3) month period for reply. No extensions of time having been obtained under 37 CFR 1.136(a), this application became abandoned on August 19, 2005. A Notice of Abandonment was mailed December 16, 2005.

Applicant files the instant petition and Amendment in response to the final Office action.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed); (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the

filling of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) if required, a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). Applicant lacks item (1).

As to item (1), Applicant has not submitted a proper reply to the May 18, 2005 Office action. The Examiner has reviewed the Amendment and concluded that the Amendment fails to place the application in condition for allowance.

Questions regarding the Amendment should be directed to the Examiner.

Further correspondence with respect to this Decision should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Derek L. Woods
Attorney
Office of Petitions